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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,410	10/14/2003	Philippe Tarbouriech	XNT 00.02 D2	1729

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
2688	

2688

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,410	Applicant(s) TARBOURIECH, PHILIPPE	
	Examiner Jean A Gelin	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19-51 is/are pending in the application.
4a) Of the above claim(s) 19-29 and 43-51 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 30-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 36 recites the limitation "the first demodulated signal", "said first modulated signal", and "the first modulated domain" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

2. is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US 6,389,271).
4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 19-26, drawn to a method for storing encrypted representation and the encrypted representations are encrypted with an encryption key, classified in 380/284.

Group II, claim(s) 27-29, drawn to application of data structure classified in 704/104.1.

Group III, claim(s) 30-42, drawn to detecting the frequency the broadcast receiver is tuned, subscriber selection classified in 455/2.01 and 455/3.04.

Group IV, claim(s) 43-51, drawn to storing broadcast band signatures corresponding to geographic locations classified in 455/185.1 and 455/186.1.

6. Inventions Group I, Group II, and Group III, Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions Group I, Group II are related to data encryption and data structure, and Group III, Group IV are related to frequency detection.

7. Inventions Group I are Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because monitoring and retrieving data location stored in the user account database as claimed in 27 does

not require the use of encryption as claimed in 19. The subcombination has separate utility such as monitoring data location in a computer network.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Christopher A. Wiklof on 12/13/05 a provisional election was made without traverse to prosecute the invention of Group III, claims 30-42. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-29 and 43-51 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US 6,389,271).

Regarding claim 30, Kaneko teaches apparatus for detecting the frequency to which a broadcast receiver is tuned (fig. 1), comprising: a controller (20), an active frequency detection module operably connected to said controller (i.e., selecting mode according to frequency order, col. 4, lines 1-35, highest frequency is considered as

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active), a passive frequency detection module operably connected to said controller, and an activation button operably connected to said controller (i.e., selecting mode according to frequency order, col. 4, lines 1-35, lowest frequency is considered as passive), wherein depression of said activation button activates said controller; wherein, upon such activation of said controller (col. 4, lines 1-5), said controller operates a predetermined one of said active frequency detection module or said passive frequency detection module to detect the frequency to which said broadcast receiver is tuned; and, wherein, if no frequency is detected, said controller operates the other of said frequency detection modules to detect the frequency to which said broadcast receiver is tuned (col. 4, lines 1-34).

Regarding claim 31, Kaneko teaches a timing device operably connected to said controller and a memory operably connected to said controller, wherein upon activation of said controller, said controller stores in said memory a time value from said timing device and the frequency to which said broadcast receiver is tuned (col. 4, line 35 to col. 5, line 30).

Regarding claim 32, Kaneko teaches wherein said controller stores at least one preset carrier frequency, and wherein said controller operates a predetermined one of said active frequency detection module or said passive frequency detection module to detect whether said preset carrier frequency is the frequency to which said broadcast receiver is tuned; and wherein if no match is detected, said controller operates the other of said frequency detection modules to detect whether said preset carrier frequency is the frequency to which said broadcast receiver is tuned (col. 4, line 1 to col. 5, line 30).

Regarding claim 33, Kaneko teaches wherein, if no matching preset carrier frequency is detected, said controller scans the entire broadcast band to detect the frequency to which said broadcast receiver is tuned (col. 4, lines 1-62).

Regarding claim 34, Kaneko teaches a timing device operably connected to said controller; wherein, upon activation by a user, said controller stores the time value of said timing device (col. 2, lines 44-67).

Regarding claim 35, Kaneko teaches wherein, upon said activation, said controller resets said timing device (col. 4, lines 35-67).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 36-38 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (WO 91/11062) in view of Kaneko (US 6,389,271).

Regarding claim 36, Young teaches apparatus (18) for detecting the frequency to which a broadcast receiver is tuned (i.e., RMD determined the station to which the receiver is tuned, page 10, lines 2-9), comprising (fig. 1): a controller (44), an active frequency detection module operably connected to said controller, wherein said active frequency detection module (58) comprises a transmitter for transmitting a signal over a

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carrier frequency to the receiver (page 10, lines 10-18); and, means for detecting whether the receiver output corresponds to said signal (page 9, lines 3-25); a passive frequency detection module operably connected to said controller (scanner frequency), wherein said active frequency detection module comprises means for receiving the first demodulated signal from the receiver; means for receiving said first modulated signal in the modulated domain and producing a second demodulated signal in the demodulated domain (i.e., microphone picks up sound emanating from receiver, page 6, lines 15-17); and means, coupled to each of the receiving means, for detecting a correlation between the first demodulated signal and the second demodulated signal (i.e., comparing output signals of radio receive and scanning receiver, page 7, lines 1-5); and an activation button (i.e., manual input 38) operably connected to said controller (fig. 1), wherein depression of said activation button activates said controller (fig. 1 item 38).

Young does not specifically teach said controller operates a predetermined one of said active frequency detection module or said passive frequency detection module to detect the frequency to which said broadcast receiver is tuned; and, wherein, if no frequency is detected, said controller operates the other of said frequency detection modules to detect the frequency to which said broadcast receiver is tuned.

However, the preceding limitation is known in the art of communications. Young teaches various selection modes to select frequency order of program type, checking whether or not a program type of the highest receiving frequency program is found in the first line of the data table, if no scanning for the next one and so on (col. 4, lines 1-34). Therefore, it would have been obvious to one of ordinary skill in the art, at the time

of the invention, to implement the technique of Kaneko within the system of Young in order to listen to a desired program without necessity to remember a name or a frequency of the broadcasting station by providing a receiver by which a user can select a program based on the program itself.

Regarding claim 37, Young in view of Kaneko teaches all the limitations above. Young further teaches wherein said means for receiving a modulated signal and producing a second demodulated signal, demodulates said first signal with respect to a range of frequencies (i.e., scanning receiver receives signals generated by various station, page 6, lines 18-20, page 7, line 5-21).

Regarding claim 38, Young in view of Kaneko teaches all the limitations above. Young further teaches means for selectively tuning said means for receiving said first modulated signal (i.e., controller 44 generates signals for causing scanning receiver to scan particular spectrum of broadcast frequencies, page 7, lines 14-21).

Regarding claim 40, Young in view of Kaneko teaches all the limitations above. Kaneko further teaches a timing device operably connected to said controller; wherein, upon activation by a user, said controller stores the time value of said timing device (col. 4, line 35 to col. 5, line 18).

Regarding claim 41, Young in view of Kaneko teaches all the limitations above. Kaneko further teaches wherein, upon said activation, said controller resets said timing device (col. 4, lines 34-67).

Regarding claim 42, Young in view of Kaneko teaches all the limitations above. Young further teaches buffer memory operably connected to said controller, said memory storing physical parameter data (col. 4, lines 34-67).

12. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (WO 91/11062) in view of Kaneko (US 6,389,271) further in view of Leveque (US 5,058,202).

Regarding claim 39, Young in view of Kaneko teaches all the limitations above except wherein said means for detecting a correlation between the first demodulated signal and the second demodulated signal comprises means for isolating a plurality of tones in said first demodulated signal and said second demodulated signal.

However, the preceding limitation is known in the art of communications. Leveque teaches isolating the tone in a combined signal (col. 1, line 66 to col. 2, line 10). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Leveque within the system of Young and Kaneko in order that the control tone is isolated from the remainder of the Lincomplex demodulator input by the bandpass filter and demodulated by the frequency discriminator to extract its instantaneous frequency.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morii et al.	US 4,163,203	07/31/1979
Miyaka	US 6,038,434	03/14/2003
Ayerst et al.	US 5,740,534	04/14/1998
Kiraly	US 6,901,604	05/31/2005
Barnett et al.	US 6,192,223	02/20/2001

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
December 19, 2005

JEAN GELIN
PRIMARY EXAMINER

